

**RULES  
OF  
THE STATE BOARD OF EDUCATION**

**CHAPTER 0520—4—1  
TENURE FOR TEACHERS IN THE STATE SPECIAL SCHOOLS**

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**0520—4—1—.01 INTRODUCTION.**

Whereas, *T.C.A., Title 49, Chapter 5, Part 5*, authorizes and directs the State Board of Education to establish a system of tenure for teachers in schools under its jurisdiction; now, therefore, pursuant to the provisions of the aforementioned law, the following rules and regulations for the establishment of a tenure system for such teachers in the state special schools are adopted and established by a majority vote of the State Board of Education.

**Authority:** *T.C.A. §§ 49—1423 through 1425 and 49—5—515. Administrative History: Original rule certified June 10, 1974. Amendment filed August 20, 1984; effective November 13, 1984. Amendment filed November 22, 1988; effective February 28, 1989. Amendment filed October 31, 1989; effective December 15, 1989.*

**0520—4—1—.02 DEFINITIONS.**

- (1) "Teacher" shall mean any licensed/certified person employed in a position requiring a license/certificate by the State Board of Education, or the State Department of Education acting under delegated authority from the board, for service in the state special schools in a full-time position, excepting the chief administrative officer of such school. Employment by the board or the department in a temporary position in a school is not to be considered as service in a full-time position under this definition.
- (2) "Board" shall mean the State Board of Education.
- (3) "Department" shall mean the State Department of Education.
- (4) "Chairman" shall mean the Chairman of the State Board of Education.
- (5) "Executive Director" shall mean the Executive Director of the State Board of Education.
- (6) "Commissioner" shall mean the Commissioner of Education.
- (7) When any reference is made to the "State Tenure Law," *T.C.A., Title 49, Chapter 5, Part 5*, any mention of the Board of Education or the Department of Education shall mean the State Board of Education acting under delegated authority from the board.
- (8) "Tenure" indicates the statutory requirements, conditions and provisions set forth in *T.C.A., Title 49, Chapter 5, Part 5*, and the rules, regulations and requirements of the State Board of Education in the adoption of these rules and regulations concerning tenure in state special schools. The term and condition of tenure shall extend from the time when the teacher acquires the status of tenure until such

(Rule 0520-4-1-.02, continued)

time as the teacher resigns, retires, or is dismissed under the provisions of T.C.A., Title 49, Chapter 5, Part 5, and the rules and regulations of the State Board of Education implementing the same.

- (9) "Probation" is a condition and period of trial during which a teacher is under observation to determine fitness for tenure status.
- (10) "Transfer" is a removal from one position to another position under the jurisdiction of the State Board of Education and may be effected by the State Board of Education or the State Department of Education acting under delegated authority from the State Board of Education.
- (11) The definitions for the words "inefficiency," "incompetence," "neglect of duty," "conduct unbecoming to a member of the teaching profession," "insubordination," and "abolition of position" shall be the same as the definitions for the same as set forth in T.C.A., Title 49, Chapter 5, Part 5.
- (12) "Temporary Position" is a position in a program operated by or through a school pursuant to a grant or contract between the school and another agency or person, which program has a limited duration set out by the grant or contract or is terminable under the grant or contract by the agencies or persons involved. The fact that such position may require the incumbent to work a full work load each week for a year or more shall not be construed to elevate such position to full-time status.
- (13) "Demotion" shall mean the reclassification of a teacher to a non-teaching position of lower salary rank or to a position which does not require a teaching license at a lower salary rank.

**Authority:** T.C.A. §§ 49—1423 through 1425, 49—5—501, and 49—5—515. **Administrative History:** Original rule certified June 10, 1974. Amendment filed August 20, 1984; effective November 13, 1984. Amendment filed November 22, 1988; effective February 28, 1989. Amendment filed October 31, 1989; effective December 15, 1989.

#### **0520—4—1—.03 TENURE.**

- (1) "Tenure" shall apply to any full-time teacher who:
  - (a) has a bachelor's degree from an approved four-year college or university;
  - (b) holds a valid professional license based on not less than four years college training covering the subjects or grades the teacher proposes to teach or which is otherwise appropriate to the job; and,
  - (c) has completed a probationary period of three years and has been reemployed for service thereafter.
- (2) The State Board of Education, or the State Department of Education acting under delegated authority from the board, may waive college training and certification requirements for vocational teachers who have proved to the board's or the department's satisfaction that they are qualified to teach in their field of instruction, provided such teachers, if granted tenure by the board or the department, shall retain such tenure only so long as they teach in the field or area of instruction in which the probationary period was waived.

**Authority:** T.C.A. §§ 49—1423 through 1425, 49—5—503, and 49—5—515. **Administrative History:** Original rule certified June 10, 1974. Amendment filed August 20, 1984; effective November 13, 1984. Amendment filed November 22, 1988; effective February 28, 1989. Amendment filed October 31, 1989; effective December 15, 1989.

**0520—4—1—.04 LEAVES OF ABSENCE.**

Any teacher on tenure may be granted a leave of absence without loss of tenure status. Such leaves of absence shall be granted in conformance with the attendance and leave policies of the State Department of Personnel. Time spent on leave of absence shall not be counted as part of the probationary period.

**Authority:** T.C.A. §§ 49—1423 through 1425, and 49—5—515. **Administrative History:** Original rule certified June 10, 1974. Amendment filed August 20, 1984; effective November 13, 1984. Amendment filed November 22, 1988; effective February 28, 1989. Amendment filed October 31, 1989; effective December 15, 1989.

**0520—4—1—.05 TRANSFERS WITHIN THE SYSTEM.**

The Chairman of the State Board of Education or the Commissioner of Education, acting under delegated authority from the board, may transfer a teacher from one location to another or from one type of work to another for which the teacher is qualified and licensed; however, no teacher under these rules and regulations shall be guaranteed continuity of employment in a particular assignment or position. A teacher who has acquired tenure under this policy shall retain such status notwithstanding a subsequent transfer to any other full-time or temporary position.

**Authority:** T.C.A. §§ 49—1423 through 1425, and 49—5—515. **Administrative History:** Original rule certified June 10, 1974. Amendment filed August 20, 1984; effective November 13, 1984. Amendment filed November 22, 1988; effective February 28, 1989. Amendment filed October 31, 1989; effective December 15, 1989.

**0520-4-1-.06 CREDIT FOR TIME SERVED IN OTHER SCHOOLS COVERED BY THESE RULES AND REGULATIONS OR TENNESSEE PUBLIC SCHOOL SYSTEMS.**

Any credit for time served within another school or schools covered by these rules and regulations, or Tennessee public school system, either with reference to salary level or tenure, must be determined, stipulated, and made a part of the recommendation of the superintendent at the time the person desiring a transfer is recommended for employment to the State Board of Education or to the State Department of Education acting under delegated authority from the board.

**Authority:** T.C.A. §§ 49—1423 through 1425, and 49—5—515. **Administrative History:** Original rule certified June 10, 1974. Amendment filed August 20, 1984; effective November 13, 1984. Amendment filed November 22, 1988; effective February 28, 1989. Amendment filed October 31, 1989; effective December 15, 1989.

**0520—4—1—.07 NOTICE OF RESIGNATION.**

A teacher shall give the head of the school in which the teacher is employed notice of resignation at least 30 days in advance of the resignation. A teacher who fails to give such notice in the absence of justifiable mitigating circumstances, shall forfeit all tenure status under these rules and regulations; provided, that the State Board of Education, or the State Department of Education acting under delegated authority from the board, may waive the 30 day notice requirement and permit a teacher to resign in good standing.

**Authority:** T.C.A. §§ 49—1423 through 1425, and 49—5—515. **Administrative History:** Original rule certified June 10, 1974. Amendment filed August 20, 1984; effective November 13, 1984. Amendment filed November 22, 1988; effective February 28, 1989. Amendment filed October 31, 1989; effective December 15, 1989.

**0520—4—1—.08 NOTICE OF NON-RETENTION OF A TEACHER WHO HAS NOT GAINED TENURE.**

- (1) A non-tenured teacher who is not to be retained for an ensuing school year shall receive written notice of the non-renewal of the teaching contract signed by the Chairman of the State Board of Education, or the Commissioner of Education acting under delegated authority from the board. Such notice shall be received not later than April 15th of the current school year.
- (2) A non-tenured teacher in a temporary position who is not to be retained because of the conditions or the termination of the grant or contract shall receive written notice of non-retention of his employment signed by the superintendent of the school at least two weeks prior to the last day of pay.

(Rule 0520-4-1-.08, continued)

**Authority:** T.C.A. §§ 49—1423 through 1425, and 49—5—515. **Administrative History:** Original rule certified June 10, 1974. Amendment filed August 20, 1984; effective November 13, 1984. Amendment filed November 22, 1988; effective February 28, 1989. Amendment filed October 31, 1989; effective December 15, 1989.

#### **0520—4—1—.09 DISMISSAL, DEMOTION, AND SUSPENSION - GROUNDS.**

No teacher shall be dismissed, demoted, or suspended except as provided in these rules and regulations. The causes for which a teacher may be dismissed are as follows: incompetence, inefficiency, neglect of duty, conduct unbecoming to a member of the teaching profession, and insubordination. A teacher's or administrative officer's services may be terminated at any time in case his office or position shall be abolished. Any such action shall be reported immediately to the board through its executive director, or to the Commissioner of Education, if acting under delegated authority from the board.

**Authority:** T.C.A. §§ 49—1423 through 1425, and 49—5—515. **Administrative History:** Original rule certified June 10, 1974. Amendment filed August 20, 1984; effective November 13, 1984. Amendment filed November 22, 1988; effective February 28, 1989. Amendment filed October 31, 1989; effective December 15, 1989.

#### **0520—4—1—.10 SUSPENSION PENDING INVESTIGATION.**

The superintendent may suspend any teacher pending investigation of the charges and subject to the final approval of the State Board of Education, or the Commissioner of Education acting under delegated authority from the board.

In the event that the suspension is not sustained by the board or the commissioner, the employee will be entitled to full salary during the period of suspension.

**Authority:** T.C.A. §§ 49—1423 through 1425, and 49—5—515. **Administrative History:** Original rule certified June 10, 1974. Amendment filed August 20, 1984; effective November 13, 1984. Amendment filed November 22, 1988; effective February 28, 1989. Amendment filed October 31, 1989; effective December 15, 1989.

#### **0520—4—1—.11 HEARINGS.**

Any teacher who has received notice of charges supporting dismissal or suspension under these rules may, within 30 days after receipt of notice reflecting action of the Commissioner of Education, demand a hearing before the State Board of Education. The board shall hold a hearing and render a decision in the same manner as provided in T.C.A. Title 49, Chapter 5, Part 5.

**Authority:** T.C.A. §§ 49—1423 through 1425, 49—5—512, and 49—5—515. **Administrative History:** Original rule certified June 10, 1974. Amendment filed August 20, 1984; effective November 13, 1984. Amendment filed November 22, 1988; effective February 28, 1989. Amendment filed October 31, 1989; effective December 15, 1989.

#### **0520—4—1—.12 JUDICIAL REVIEW.**

A teacher who is dismissed, demoted, or suspended by action of the board may obtain a judicial review and shall have the same rights and privileges as set forth in T.C.A. Title 49, Chapter 5, Part 5.

**Authority:** T.C.A. §§ 49—1423 through 1425, 49—5—513, and 49—5—515. **Administrative History:** Original rule certified June 10, 1974. Amendment filed August 20, 1984; effective November 13, 1984. Amendment filed November 22, 1988; effective February 28, 1989. Amendment filed October 31, 1989; effective December 15, 1989.